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COMMISSIONER FOR PATENTS  
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on November 22, 2004  
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John Murray  
Name of applicant, assignee or  
Registered Representative

John Murray  
Signature

November 22, 2004  
Date of Signature

EW AF  
1632

Case No. 8642/91

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary J. Nabel et al.

Serial No: 09/663,889

Examiner: Kelly, Robert M.

Filed: September 18, 2000

Group Art Unit: 1632

For: KITS FOR SITE-SPECIFICALLY  
TRANSFORMING CELLS IN VIVO

11/29/2004 HALI11 00000073 09663889

01 FC:1401

340.00 OP

NOTICE OF APPEAL FROM THE EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

MAIL STOP AF  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated August 26, 2004 of the Examiner finally rejecting Claims 17 and 19-36.

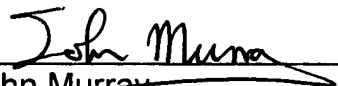
The item(s) checked below are appropriate:

1. ☐ An extension of time to respond to the final rejection was granted on \_\_\_ for \_\_\_ month(s).

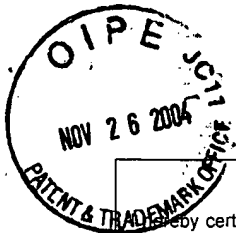
2. ☐ A timely response to the final rejection has been filed, as provided in 841 O.G. 1411.
3. ☒ Fee \$340
- ☒ Enclosed
- ☐ Not required (Fee paid in prior appeal)
- ☐ Charge to Deposit Account No. 23-1925 (One additional copy of this Notice enclosed herewith)
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
4. ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: November 22, 2004 -

  
\_\_\_\_\_  
John Murray  
Registration No. 44,251  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610  
(312)321-4200



## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: November 22, 2004 Name: John Murray, Ph.D.

Signature:

*John Murray*

BRINKS  
HOFFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Gary J. Nabel et al.

Appln. No.: 09/663,889

Filed: September 18, 2000

For: Kits For Site-Specifically Transforming Cells  
In Vivo

Examiner: Robert M. Kelly

Art Unit: 1632

Attorney Docket No: 8642/91

Mail Stop After Final  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Notice of Appeal  
☒ Return Receipt Postcard

## Fee calculation:

- ☐ No additional fee is required.  
☐ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 44=			x \$88=	
First Presentation of Multiple Dep. Claim					+\$150=			+\$300=	
					Total	\$		Total	\$

## Fee payment:

- ☒ A check in the amount of \$340 is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

*John Murray*

John Murray, Ph.D. (Reg. No. 44,251)

*November 22, 2004*  
Date